

GOVERNOR'S ADVISORY COUNCIL ON AVIATION

July 19, 2005

10:00 a.m.

Location: Executive Tower, State Capitol
Second Floor Conference Room
1700 West Washington
Phoenix, Arizona

MINUTES

I. Welcome and Introductions

Bonnie Allin called the meeting to order.

II. Review and approval of April 27, 2005 meeting minutes

David Krietor moved to approve the minutes. Seconded by Bob Littlefield.
Unanimously approved.

III. Report of the Land Use Subcommittee

Stacy Howard discussed the meeting that was held on June 20, 2005. Disclosure laws protect the developer more than the airport owner or sponsor. Military disclosures are much more effective. The committee talked with various organizations. The Home Builders Association indicated that 60% of their market is near Luke AFB, the Real Estate Department indicated that the terminology is not well defined in disclosures

IV. Presentation on status and issues regarding military airspace in AZ continued

The military in Arizona consists of the 56th Fighter Wing Luke AFB, 944 Fighter Wing Luke AFB, 355 Fighter Wing Davis-Monthan AFB, U.S. Army Fort Huachuca, 162nd Fighter Wing Tucson International Airport, Western Army National Guard Aviation Training Site, 161st Air Refueling Wing Sky Harbor Airport, U.S. Army Yuma Proving Grounds and Marine Corp Air Station Yuma.

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Special Use airspace is used to train pilots for national defense, security and/or welfare. Types of special use airspace are restricted airspace, military operating area (MOA), air traffic controlled assigned airspace (ATCAA) and military training routes (MTRs). Other types of military airspace used are low altitude tactical navigation area (LATN) and air refueling.

A map was provided showing airspace that the military had in 1970 and current military airspace. There has been a 38% decrease since 1970.

Airspace concerns are due to increased complexity of military missions, national airspace redesign, creation/expansion of airports and encroachment on SUA. Wind farms are increasingly becoming a concern.

In conclusion, the Department of Defense is currently utilizing all of its airspace. They have also released airspace to the bare minimum and have not been given any equal airspace in return. Civil airports and traffic need to design routes within the current civil airspace structure. Any further erosion of Department of Defense airspace will affect national defense mission accomplishments and future operations.

V. Call to the Public

No requests to speak.

VI. Scheduling of Next Meeting

October 12, 2005 – MCAS, Yuma at 10:00 am

VII. Adjournment

David Krietor motioned to adjourn. Seconded by Ronnie Lopez. Unanimously approved.

ADDENDUM TO MINUTES ATTACHED

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ADDENDUM ~ JULY 19, 2005 MINUTES GOVERNOR'S ADVISORY COUNCIL ON AVIATION

Land Use Subcommittee Meeting June 20, 2005

ADOT Aeronautics

State and FAA can only advise airport sponsor on land use planning

Aviation Statutes ARS 28

Establishing new airports

State Transportation Board obligated to approve qualifying applications unless local jurisdiction has contradictory plan in place

28-8485 Airport Influence Areas

Airport Sponsor designs the AIA and map

Not restricted to noise contours

Public notice

County Recorder records to title that property is subject to noise and overflight

28-8486 Disclosure

Civilian

State Real Estate Office prepares map

Restricted to Noise DNL 60/65

Requirements vary with population

Military

Affects all property within the territory of an airport

Military agency may provide the map

State RE Department shall create a map

Shall be in public reports

Applies to all political subdivisions, new development

28-8481 Military

Land use compatibility compliance required

Political subdivisions shall adopt/enforce noise and zoning regs

28-8480 Governs land acquisition for airports

Home Builders Association – 60% of market is near Luke

In past, Attorney General's office had to be called in to situations where local authority would judge a development as compatible and later military found it non-compatible

1988 study codified

Military comment and approval for new residential within 65 DNL

Applies to LAFB, DM, YUM but not FHU

Certainty is the key

No consideration for lost potential value to land owners

Estimates losses at \$600 million based on one unit per acre

Surplus of industrial/commercial property

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Recommended goals for state statutes

- Drive debate to local level

- Create as much certainty as possible

- Obligate airport owner to define its needs

General plan must include airport

Airport sponsors must be part of the general plan process

Developers often lobby to pre-empt cities and towns

Real Estate Department

- 71,000 RE agents in AZ

- Forms require disclosure for properties in vicinity of an airport

- Vicinity is not defined

- Cannot force buyer to read the public report

RE Department has no mapping capability

- State Land Department prepares maps for military airports

- Developers provide maps for civilian airports

- Counties oppose responsibility for disclosure to property owners

- 54 airports contacted to provide maps to counties

 - 20 responded

 - Sponsors claim they don't have the money

Disclosure factors

- Airport use (DNL's, traffic patterns, etc) is fluid

- Zoning is permanent

- FHU says they do not have to comply

- Many maps provided are not usable, esp. military training routes

- Statute is not being satisfied

Questions raised in discussion

- Can legislature give statutory authority to ADOT to provide information/maps?

- Disclosure protects developers & agents but not the airport

- Can ADOT require airport sponsors to notify and invite state participation in zoning changes that affect airports?

- There is a need to press FAA DC office to release planning money

- Committee needs to hear from

 - FAA

 - County recorders

 - Real Estate Association

 - City and County land use planners

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